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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,008	06/20/2003	Steven J. Berry	71501-0002	1007

20915 7590 12/03/2004

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EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,008

Applicant(s)

BERRY ET AL. 

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 12, 13, 16, 28, 29 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14, 15, 17-27, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

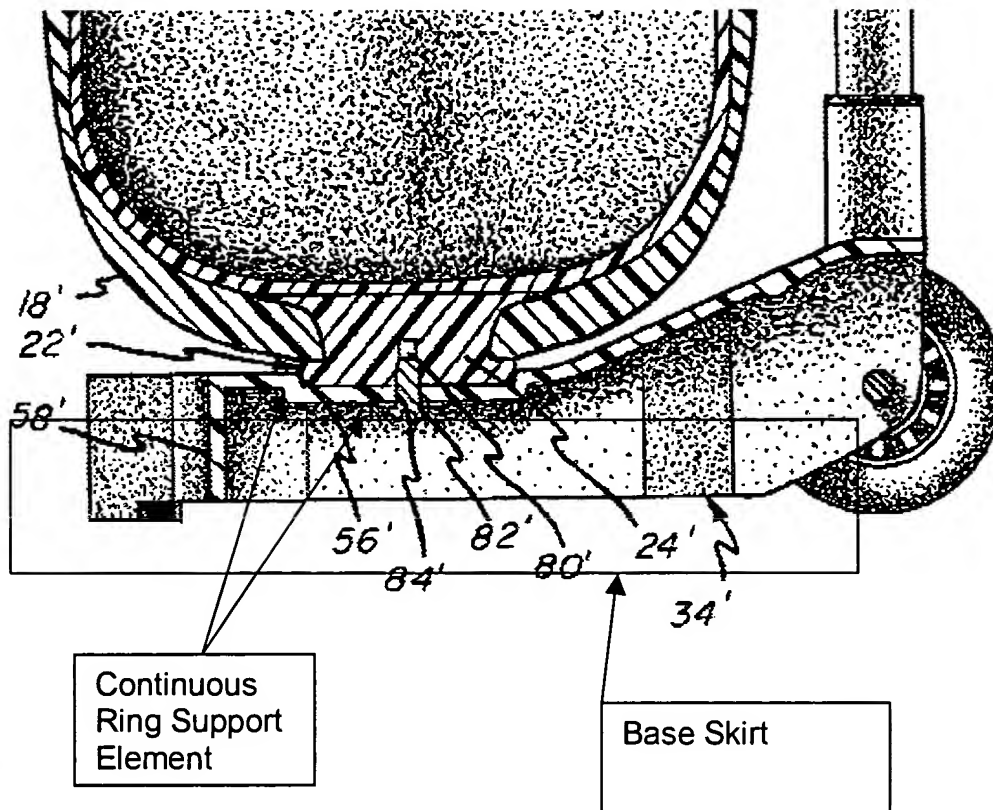
DETAILED ACTION

This is the **Final Office Action** for application number 10/604,008 Gas Cylinder Base, filed on 6/20/03. Claims 1-32 are pending. This **Final Office Action** is in response to applicant's reply dated 10/29/04. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-5, 7-10, 17-21 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6508477 to Burkett to the embodiment shown by Figs. 6-9.

The patent to Burkett discloses a gas cylinder (14'), the cylinder having a base ring (22', 24') with a threaded aperture therethrough (80'), the base having a base skirt (including a portion of 42'), having a first lateral dimension, which is greater than the diameter of the cylinder (14') and a continuous ring support element (See Drawing Below), the support element which extends upwardly from the base skirt and which defines a second lateral dimension less than the first lateral dimension and a threaded fastener (82') inserted in a threaded aperture (84') therethrough in the support element and in the threaded aperture (80') of the base ring (22' 24') of the cylinder, for attaching the gas cylinder to the base by engaging the base ring of the cylinder, the fastener (82') having a point at an end which engages the base ring (22', 24').



Claim Rejections - 35 USC § 103

Claims 11, 14, 15, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6508477 to Burkett as applied to claims 1, 10, 17 and 26 above, referencing the embodiment taught in Figs. 1-5.

The embodiment above taught by Burkett in Figs. (6-9) does not specifically teach that the support ring terminates in a radially inwardly sloped chamfered end, or that the base skirt is circular and coaxial with the support element.

Burkett in a different embodiment (Figs. 1-5) shows these elements. Burkett shows a gas circular cylinder base (54) which has a support ring (upper part of 26)

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which terminates in a radially inwardly sloped chamfered end (chamfered meaning beveled or inclined or slanted from Webster's Dictionary), the support ring having a circular base skirt (lower part of 26) which is coaxial with the support element. These elements are used to support the gas cylinder and are an obvious rendition of the above embodiment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of the alternative embodiment taught by Burkett to have made the gas base circular and coaxial, with a chamfered edge for further support of the gas cylinder.

Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6508477 to Burkett as applied to claims 1, 3-5, 17, 19-21 above and further in view of United States Patent No. 6709222 to Inman, Jr.

Burkett shows the basic inventive features with the exception that it does not show that the screw is a thumb screw.

Inman, Jr. shows a gas cylinder support device with a support element (22) which has thumb screws (54) which are used to further support the gas cylinder. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Inman, Jr. to have added thumb screws in order to further support the gas cylinder.

Response to Arguments

The applicant has argued that Burkett does not show the limitations of claim 1 in that it does not teach a base ring, the Burkett reference showing a cylindrical boss. This

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is unpersuasive in that the cross section of a cylinder is a circular ring and therefore the Burkett reference teaches a ring.

The applicant has also argued that the Burkett reference does not show a base skirt, the ring extending upwardly from the base skirt. The drawing above has added emphasis to show that a portion of (42') is considered the base skirt, the ring extending from that bottom/base portion as clarified above, this argument also being unpersuasive.

The applicant has also argued that the chamfered end is not chamfered because it is rounded and is outwardly sloping and not inwardly sloping. These are both unpersuasive in that the term "chamfer" according to Webster's Dictionary means inclined, slanted or sloped, all of which would include a rounded edge, the edge being at an incline, like a hill, in order to achieve the rounding portion. Also, the term chamfered inwardly may be interpreted to mean that the slant or slope is ascending rather than descending, neither of which was specified by the claim.

In response to applicant's argument that there is no suggestion to combine the embodiments within the Burkett reference, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of two embodiments that are within the gas

cylinder support art, and within the same reference would be within the knowledge of one of ordinary skill at the time of the invention.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

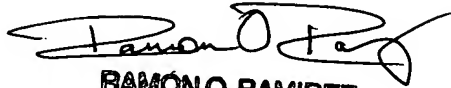
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments/ communications). Any

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inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.



AJS
Amy J. Sterling
11/23/04



RAMÓN O. RAMÍREZ
PRIMARY EXAMINER